

AMENDMENTS TO THE CLAIMS

- 1.-11. (Canceled)
12. (Currently Amended) A method of inducing anti-tumor activity, anti-cell proliferation activity, and/or pro-apoptotic activity in a subject, comprising administering to ~~a cell~~ the subject a mutant Bik polypeptide having an altered amino acid sequence, relative to SEQ ID NO:3, that comprises a substitution at least at a mutation at Thr³³ or Ser³⁵, wherein the mutant Bik polypeptide induces anti-tumor activity, anti-cell proliferation activity, and/or pro-apoptotic activity in the subject.
13. (Cancel)
14. (Currently Amended) The method of claim ~~13~~ 12, wherein the substitution is a Thr³³ to Asp³³ substitution.
15. (Currently Amended) The method of claim ~~13~~ 12, wherein the substitution is a Ser³⁵ to Asp³⁵ substitution.
16. (Original) The method of claim 12, wherein the polypeptide further comprises a protein transduction domain.
17. (Cancelled)
18. (Original) The method of claim ~~17~~ 12, wherein the ~~animal~~ subject is a human.
19. (Original) The method of claim 18, wherein the human has a proliferative cell disorder.
20. (Original) The method of claim 19, wherein the proliferative cell disorder is cancer.
21. (Original) The method of claim 20, wherein the cancer is breast cancer, prostate cancer, ovarian cancer, sarcoma, lung cancer, brain

- cancer, pancreatic cancer, liver cancer, bladder cancer, gastrointestinal cancer, leukemia, lymphoma, or myeloma.
22. (Original) The method of claim 20, wherein the cancer is estrogen receptor positive, is EGF receptor overexpressing, is *Her2/neu*-overexpressing, is not *Her-2/neu*-overexpressing, is Akt overexpressing, is angrogen independent, or is androgen dependent.
23. (Original) The method of claim 20, wherein the cancer is a solid tumors, such as, for example, sarcoma, lung, brain, pancreatic, liver, bladder, gastrointestinal cancers, or hematologic malignancies, such as leukemia, lymphoma, and myeloma
24. (Original) The method of claim 20, wherein the proliferative cell disorder is restenosis.
25. (Original) The method of claim 12, wherein the polypeptide is comprised in pharmacologically acceptable excipient.
26. (Original) The method of claim 25, wherein the polypeptide is complexed with a lipid.
27. (Withdrawn-currently amended) The method of claim ~~13~~ 12, wherein administering to the ~~cell~~ subject a Bik polypeptide having an amino acid substitution at Thr³³ comprises administering to the individual a nucleic acid encoding a Bik polypeptide having an amino acid substitution at Thr³³.
28. (Withdrawn) The method of claim 27, wherein the expression of the nucleic acid is regulated by a tissue-specific control sequence.
29. (Withdrawn) The method of claim 27, wherein the nucleic acid is comprised in a plasmid, a retroviral vector, an adenoviral vector, an adeno-associated viral vector, or a liposome.
30. (Withdrawn) The method of claim 27, wherein the nucleic acid is dispersed in a pharmacologically acceptable excipient.

31. (Withdrawn) The method of claim 28, wherein the tissue-specific control sequence is a breast cancer-specific control sequence.
32. (Withdrawn) The method of claim 28, wherein the tissue-specific control sequence is a prostate cancer-specific control sequence.
33. (Withdrawn) The method of claim 28, wherein the tissue-specific control sequence is a pancreatic cancer-specific control sequence.
34. (Withdrawn-currently amended) The method of claim ~~43~~ 12, wherein administering to the ~~cell~~ subject a Bik polypeptide having an amino acid substitution at Ser³⁵ comprises administering to the individual a nucleic acid encoding a Bik polypeptide having an amino acid substitution at Ser³⁵.
35. (Withdrawn) The method of claim 34, wherein the expression of the nucleic acid is regulated by a tissue-specific control sequence.
36. (Withdrawn) The method of claim 34, wherein the nucleic acid is comprised in a plasmid, a retroviral vector, an adenoviral vector, an adeno-associated viral vector, or a liposome.
37. (Withdrawn) The method of claim 34, wherein the nucleic acid is dispersed in a pharmacologically acceptable excipient.
38. (Withdrawn) The method of claim 35, wherein the tissue-specific control sequence is a breast cancer-specific control sequence.
39. (Withdrawn) The method of claim 35, wherein the tissue-specific control sequence is a prostate cancer-specific control sequence.
40. (Withdrawn) The method of claim 35, wherein the tissue-specific control sequence is a pancreatic cancer-specific control sequence.
41. (Original) The method of claim 12, further defined as a method of preventing growth of a cell in an individual.

42. (Currently Amended) The method of claim ~~43~~ 12, further defined as comprising modifying the Bik polypeptide at amino acid position 33, amino acid position 35, or both, wherein the modification results in an inability of the amino acid to be phosphorylated.
43. -75. (Canceled)